

**SENATE JOURNAL  
65TH LEGISLATURE  
SIXTEENTH LEGISLATIVE DAY**

Helena, Montana  
January 23, 2017

Senate Chambers  
State Capitol

Senate convened at 1:00 p.m. President Sales presiding. Invocation by Senator Hinkle. Pledge of Allegiance to the Flag.

Roll Call. All members present. Quorum present.

**BILLS AND JOURNALS** (Keenan, Chair):

1/23/2017

Correctly printed: **SB 7, SB 11, SB 32, SB 33, SB 36, SB 41, SB 90, SB 101, SB 135, SB 136, SJ 2.**

Correctly engrossed: **SB 72.**

Transmitted to the House: **SB 3, SB 16, SB 24, SB 40, SB 46.**

Senator Blasdel introduced the Pages for the coming week:

Grace Wyse from Townsend, sponsored by President Sales.

Sheridan Johnson from Conrad, sponsored by Senator Jones.

Benjamin Rayner from Highwood, sponsored by Senator Facey.

Darian Green from Billings, sponsored by Senator Richmond.

**MESSAGES FROM THE GOVERNOR**

January 20, 2017

The Honorable Scott Sales  
President, Montana State Senate  
Capitol Station  
Helena, Montana 59620

By Hand and Electronic Delivery

Dear President Sales:

In accordance with § 5-5-302, Montana Code Annotated, I submit to you and the Montana Senate for confirmation the following judicial appointment:

**5th Judicial District**

*MCA 3-1-1010*

! Judge Luke Michael Berger, 2217 5th Avenue, Helena, MT 59601.

I have included the appointee's application packet as received by the Judicial Nominations

SENATE JOURNAL  
SIXTEENTH LEGISLATIVE DAY - JANUARY 23, 2017

Commission.

I have asked Stacey Otterstrom, my Boards and Appointments Advisor, to coordinate with your office and Legislative Services as these appointments move through the confirmation process. She can be reached at extension 4405 or by email at [sotterstrom@mt.gov](mailto:sotterstrom@mt.gov). Thank you.

Sincerely,

STEVE BULLOCK  
Governor

**MESSAGES FROM THE OTHER HOUSE**

**House bills** passed and transmitted to the Senate for concurrence:

1/20/2017

**HB 80**, introduced by W. Curdy  
**HB 91**, introduced by G. Pierson  
**HB 191**, introduced by S. Berglee  
**HB 221**, introduced by D. Jones

**FIRST READING AND COMMITMENT OF BILLS**

The following Senate resolutions were introduced, read first time, and referred to committees:

**SR 7**, introduced by E. Buttrey, referred to Business, Labor, and Economic Affairs.  
**SR 8**, introduced by E. Buttrey, referred to Business, Labor, and Economic Affairs.  
**SR 9**, introduced by M. Blasdel, referred to Taxation.  
**SR 10**, introduced by B. Hoven, referred to Agriculture, Livestock and Irrigation.  
**SR 11**, introduced by D. Salomon, referred to Education and Cultural Resources.  
**SR 12**, introduced by M. Blasdel, referred to Taxation.  
**SR 13**, introduced by D. Howard, referred to Public Health, Welfare and Safety.  
**SR 14**, introduced by D. Ankney, referred to Energy and Telecommunications.  
**SR 15**, introduced by R. Webb, referred to Local Government.  
**SR 16**, introduced by E. Buttrey, referred to Business, Labor, and Economic Affairs.  
**SR 17**, introduced by E. Buttrey, referred to Business, Labor, and Economic Affairs.

The following Senate bills, previously introduced, were referred to committees:

**SB 137**, introduced by D. Ankney, F. Thomas, referred to Taxation.  
**SB 138**, introduced by D. Ankney, F. Thomas, referred to Taxation.  
**SB 139**, introduced by D. Ankney, J. Cohenour, V. Court, G. Custer, M. Dunwell, F. Garner, E. Greef, B. Harris, L. Jones, K. Kelker, E. McClafferty, T. Richmond, D. Salomon, R. Shaw, S. Stewart-Peregoy, P. Webb, J. Welborn, T. Welch, referred to Education and Cultural Resources.  
**SB 140**, introduced by D. Ankney, referred to State Administration.

SENATE JOURNAL  
SIXTEENTH LEGISLATIVE DAY - JANUARY 23, 2017

**SB 141**, introduced by S. Malek, referred to State Administration.

**SB 142**, introduced by T. Facey, referred to Local Government.

The following Senate joint resolution, previously introduced, was referred to committee:

**SJ 6**, introduced by D. Ankney, referred to Energy and Telecommunications.

The following House bills were introduced, read first time, and referred to committees:

**HB 80**, introduced by W. Curdy (by request of the Secretary of State), referred to Business, Labor, and Economic Affairs.

**HB 91**, introduced by G. Pierson (by request of the Department of Agriculture), referred to Agriculture, Livestock and Irrigation.

**HB 191**, introduced by S. Berglee, B. Tschida, referred to Education and Cultural Resources.

**HB 221**, introduced by D. Jones, referred to Local Government.

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Majority Leader Thomas moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Malek in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**SB 15** - Senator Cohenour moved **SB 15** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moe, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr. President.  
Total 50

Nays: None.  
Total 0

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SB 83** - Senator R. Webb moved **SB 83** do pass. Motion carried as follows:

SENATE JOURNAL  
SIXTEENTH LEGISLATIVE DAY - JANUARY 23, 2017

Yeas: Ankney, Blasdel, Brown, Buttrey, Connell, Fielder, Fitzpatrick, Gauthier, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, Moore, Olszewski, Osmundson, Regier, Richmond, Salomon, Small, Smith C, Swandal, Tempel, Thomas, Vance, Vincent, Webb, Welborn, Mr.President.

Total 32

Nays: Barrett, Caferro, Cohenour, Facey, Gross, MacDonald, Malek, McClafferty, McNally, Moe, Phillips, Pomnichowski, Sands, Sesso, Smith F, Vuckovich, Whitford, Wolken.

Total 18

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**SB 43** - Senator Sesso moved **SB 43** do pass. Motion carried as follows:

Yeas: Barrett, Brown, Caferro, Cohenour, Facey, Gauthier, Gross, Jones, MacDonald, Malek, McClafferty, McNally, Moe, Moore, Osmundson, Phillips, Pomnichowski, Salomon, Sands, Sesso, Smith F, Swandal, Tempel, Thomas, Vance, Vuckovich, Welborn, Whitford, Wolken.

Total 29

Nays: Ankney, Blasdel, Buttrey, Connell, Fielder, Fitzpatrick, Hinebauch, Hinkle, Hoven, Howard, Kary, Keenan, Lang, Olszewski, Regier, Richmond, Small, Smith C, Vincent, Webb, Mr.President.

Total 21

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**SB 10** - Senator Blasdel moved **SB 10** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moe, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.

Total 50

Nays: None.

Total 0

SENATE JOURNAL  
SIXTEENTH LEGISLATIVE DAY - JANUARY 23, 2017

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**SB 53** - Senator L. Jones moved **SB 53** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moe, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr. President.  
Total 50

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**SB 85** - Senator Moe moved **SB 85** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Blasdel, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fitzpatrick, Gauthier, Gross, Hinkle, Hoven, Jones, Lang, MacDonald, Malek, McClafferty, McNally, Moe, Moore, Olszewski, Phillips, Pomnichowski, Richmond, Salomon, Sands, Sesso, Small, Smith F, Tempel, Thomas, Vuckovich, Whitford, Wolken.  
Total 36

Nays: Fielder, Hinebauch, Howard, Kary, Keenan, Osmundson, Regier, Smith C, Swandal, Vance, Vincent, Webb, Welborn, Mr. President.

Total 14

Absent or not voting: None.

Total 0

Excused: None.

Total 0

Majority Leader Thomas moved the committee **rise and report**. Motion carried. Committee arose. Senate resumed. President Sales presiding.

SENATE JOURNAL  
SIXTEENTH LEGISLATIVE DAY - JANUARY 23, 2017

Chair Malek moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Barrett, Blasdel, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moe, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.  
Total 50

Nays: None.  
Total 0

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**THIRD READING OF BILLS**

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

**SB 33** passed as follows:

Yeas: Ankney, Barrett, Blasdel, Brown, Buttrey, Connell, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, McClafferty, McNally, Moore, Olszewski, Osmundson, Phillips, Regier, Richmond, Salomon, Sands, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Webb, Welborn, Whitford, Wolken, Mr.President.  
Total 41

Nays: Caferro, Cohenour, Facey, MacDonald, Malek, Moe, Pomnichowski, Sesso, Vuckovich.  
Total 9

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SB 41** passed as follows:

Yeas: Ankney, Barrett, Blasdel, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moe, Moore, Olszewski, Osmundson, Phillips,

SENATE JOURNAL  
SIXTEENTH LEGISLATIVE DAY - JANUARY 23, 2017

Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Swandal, Tempel, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.  
Total 50

Nays: None.  
Total 0

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SB 90** passed as follows:

Yeas: Ankney, Barrett, Blasdel, Brown, Buttrey, Caferro, Cohenour, Connell, Facey, Fielder, Fitzpatrick, Gauthier, Gross, Hinebauch, Hinkle, Hoven, Howard, Jones, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McNally, Moe, Moore, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Swandal, Thomas, Vance, Vincent, Vuckovich, Webb, Welborn, Whitford, Wolken, Mr.President.  
Total 48

Nays: Smith F, Tempel.  
Total 2

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**MOTIONS**

Majority Leader Thomas moved that **SB 80** be taken from the second reading board and re-referred to the Business, Labor, and Economic Affairs Committee. Without objection, so ordered.

Majority Leader Thomas moved that **SB 43**, heard under second reading this date, be re-referred to the Finance and Claims Committee. Without objection so ordered.

**ANNOUNCEMENTS**

Committee meetings were announced by the committee chairs.

SENATE JOURNAL  
SIXTEENTH LEGISLATIVE DAY - JANUARY 23, 2017

Majority Leader Thomas moved the Senate adjourn until 1:00 p.m., Tuesday, January 24, 2017, the 17th legislative day. Motion carried.

Senate adjourned at 1:58 p.m.

MARILYN MILLER  
Secretary of the Senate

SCOTT SALES  
President of the Senate